



January 24, 2018

**VIA ECF**

**J. Scott Tarbutton**

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The Honorable George B. Daniels  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
Room 1310  
New York, NY 10007

**Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)**

Dear Judge Daniels:

In a telephone conference with Your Honor's clerk on January 8, 2018, Your Honor's clerk asked the Plaintiffs' Executive Committee ("PEC") to provide information concerning several MDL 1570 docket entries that appeared unresolved, including ECF No. 3124 – Motion of the AXA, Chubb, Munich Re America, and OneBeacon Insurance Group Plaintiffs to Assess Damages Against Iran for Claims Arising Under 28 U.S.C. § 1605A(d). We write to address the status of that motion and advise of a technical issue with the final judgment issued by the Clerk of the Court.

By way of background, the AXA, Chubb, Munich Re America, and OneBeacon Insurance Group Plaintiffs filed their Motion to Assess Damages Against Iran for Claims Arising Under 28 U.S.C. § 1605A(d) on November 13, 2015 (ECF Nos. 3124-3126), requesting that the Court issue *individualized* compensatory damage awards for the member companies of the moving insurance groups. *See* Plaintiffs' Memorandum of Law at 4-5 (ECF No. 3125), attached hereto as Exhibit 1. On December 28, 2015, Magistrate Judge Frank Maas issued a Report and Recommendation ("Report") awarding the AXA, Chubb, Munich Re America, and OneBeacon Insurance Group Plaintiffs a default judgment against Iran in the amount of \$3,040,998,426.03 (ECF No. 3175). *See* Exhibit 2. The Report itemizes the aggregate monetary awards in favor of the moving insurance groups, however Judge Maas instructs that a "more detailed analysis of the amount that each of the Federal Insurance Plaintiffs' constituent companies is entitled to is set forth in their memorandum of law," citing pp. 4-5. *Id.* at 7.

Thereafter, Your Honor issued a March 9, 2016 Memorandum Opinion and Order adopting the findings and recommendation set forth in the Report in their entirety (ECF No. 3229), and the Clerk of the Court subsequently entered default judgment against Iran in the amount of \$3,040,998,426.03 (ECF No. 3233). *See* Exhibits 3 and 4 respectively.

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As advised in the PEC's January 12, 2018 letter (ECF No. 3870), although the motion at ECF No. 3124 has been resolved, the *Federal Insurance* plaintiffs have identified a clerical error in the final judgment issued by the Clerk of the Court at ECF No. 3233. In particular, while the final judgment accurately lists the aggregate monetary awards in favor of the insurance groups that filed the motion (*see* Ex. A attached to the judgment), it does not identify the value of the awards in favor of the individual member companies of those insurance groups as identified in plaintiffs' memorandum of law at ECF No. 3125 at 4-5, and specifically cited to by Judge Maas in his Report at 7.

To correct this clerical error, and pursuant to Your Honor's January 16, 2018 Order (ECF No. 3873), the *Federal Insurance* plaintiffs hereby submit an amended form of judgment which tracks the individual compensatory damage awards, and respectfully request that the Court direct the Clerk of the Court to re-issue the judgment in the form attached at Exhibit 5.

Plaintiffs thank Your Honor in advance for the Court's attention to this matter.

Respectfully,

COZEN O'CONNOR



J. Scott Tarbutton

JT:pak

cc: All MDL 1570 Counsel (via ECF)